



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

**Monday, December 22, 2008**

*Commissioner Deidre Malone, Chairman*  
*Commissioner Joyce Avery, Chairman Pro Tempore*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*  
*Commissioner George Flinn*

*Commissioner Joe Ford*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner David Lillard*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

12/19/2008 12:24 PM

**1:30 PM**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Chairman Deidre Malone**

**OPENING OF THE COMMISSION**

**Deputy Sheriff**

**INVOCATION**

**Dr. Harry Davis**  
**St. Paul Douglass Missionary Baptist**  
**Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Session**  
**October 20, 2008**

**CONSENT AGENDA**

### Resolutions of Memorial, Sympathy and Commendation

1. [Resolution commending Hilary Dunavant as an outstanding young citizen of Shelby County. Sponsored by Commissioners Mike Carpenter, George Flinn, and Mike Ritz.](#)

### Ordinances

**RITZ**

Chairman, Land Use  
Committee

2. [ORDINANCE - SECOND READING - A joint ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners adopting the 2003 edition of the International Code Council Residential Building Code and providing for its implementation by amendment to the Memphis and Shelby County Building Code and to establish an effective date. Sponsored by Commissioner Ritz](#)

### Zoning and Subdivisions

**RITZ**

Chairman, Land Use  
Committee

3. [Resolution to approve various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer. a\) Resolution to release the bond that secured the improvements to Stonebriar PD, Phase 5 part of Areas 7 & 3, \(P.D. 03-335 CC\)](#)

### Reports and/or Resolutions for Standing Committees

**RITZ**

Vice Chairman, Budget  
Committee

4. [Resolution approving the expenditure of funds in the amount of \\$291,398.28 to various vendors for perishable foods for the various departments of Shelby County Government. This item requires expenditure of County general funds in the amount of \\$291,398.28. Sponsored by Commissioner J.W. Gibson II](#)

**AVERY**

Chairman, Hospitals  
and Health Committee

5. A resolution approving an amendment to the FY2008-2009 operating budget to accept and expend grant funds from the Tennessee Department of Transportation for Shelby County Government on behalf of the Memphis and Shelby County Health Department in the amount of \$4,520,000.00 and to establish one (1) new grant budget with four (4) separate projects for the Shelby County Air Quality grant fund and an amendment to the FY2008-2009 Position Control Budget and this item requires the expenditure of Federal Through State grant funds in the amount of \$4,520,000.00 and the expenditure of Special Revenue Air Emission County Title V match funds in the amount of \$580,000.00. Resolution sponsored by Commissioner Joyce Avery

**AVERY**

Chairman, Hospitals  
and Health Committee

6. A Resolution approving a contract in the amount of \$151,000 with The Regional Medical Center for the provision of pharmaceutical services to the Health Department's pharmacy and amending the FY2008-2009 Operating Budget, and this item requires expenditure of County General Funds in an amount not to exceed \$151,000. Sponsored by Commissioner Joyce Avery

**CHISM**

Chairman, Law  
Enforcement  
Committee

7. Resolution approving a contract with Aramark Correctional Services, Inc., in the amount of \$3,358,579.00 for the provision of food services for inmates, staff, and visitors at the Shelby County Jail located at 201 Poplar Ave, Memphis, TN 38103 and Jail East located at 6201 Halet Rd., Memphis, TN, 38134 and this item requires expenditure of County General Funds in the amount of \$3,358,579.00. Sponsored by Commissioner Sidney Chism

**CHISM**

Chairman, Law  
Enforcement  
Committee

8. Resolution to amend the FY 2008-2009 Operating Budget of the Juvenile Court of Memphis and Shelby County to reflect a donation of 100 Bibles from First Baptist Church Broad Avenue. Sponsored by Commissioner Sidney Chism

**CHISM**

Chairman, Law  
Enforcement  
Committee

9. Resolution amending the operating budget for the Shelby County General Sessions Civil Court Judges Office by transferring funds from operating accounts to personnel accounts. Sponsored by Commissioner J.W. Gibson II

**CHISM**

Chairman, Law  
Enforcement  
Committee

10. A resolution amending the 2008/2009 operating budget and approving a contract in the amount of \$300,000 with the Tennessee Department of Mental Health and Disabilities, for the furnishing of drug and alcohol treatment to the Shelby County Drug Court and this item requires expenditure of County Grant Pass Through Funds in the amount of \$300,000. Sponsored by Commissioner Sidney Chism

**LILLARD**

Chairman, Community  
Services Committee

11. A resolution approving a contract in the amount of \$741,392.00 with Goodwill Homes Community Services, Inc. for the provision of Head Start Services. This item requires the expenditure of federal grant funds in the amount of \$741,392.00. Sponsored by Commissioner David Lillard (AMENDED IN COMMITTEE 12/17/08)

**LILLARD**

Chairman, Community  
Services Committee

12. A resolution approving a contract in the amount of \$2,789,221.00 with Porter Leath Children's Center for the provision of Head Start Services. This item requires expenditure of grant funds in the amount of \$2,789,221.00. Sponsored by Commissioner Joyce Avery

**LILLARD**

Chairman, Community  
Services Committee

13. A resolution approving a contract in the amount of \$929,716.00 with Primary Preparatory, Inc. for the provision of Head Start Services. This item requires expenditure of federal grant funds in the amount of \$929,716.00. Sponsored by Commissioner David Lillard (AMENDED IN COMMITTEE 12/17/08)

**LILLARD**

Chairman, Community  
Services Committee

14. A resolution approving a contract in the amount of \$1,062,534.00 with the YMCA of Memphis and the Mid-South for the provision of Head Start Services. This item requires expenditure of federal grant funds in the amount of \$1,062,534.00. Sponsored by Commissioner David Lillard (AMENDED IN COMMITTEE 12/17/08)

**LILLARD**  
Chairman, Community  
Services Committee

15. A resolution amending the FY'09 Operating Budget of the Head Start Program and amending the personnel Complement. Sponsored by Commissioner David Lillard.

**LILLARD**  
Chairman, Community  
Services Committee

16. Resolution amending the FY 2009 Operating Budget appropriating interest earned on proceeds of the Edward Byrne Memorial Justice Assistance Grant during the period of January 1, 2007 through September 30, 2008 in the amount of \$4,208.00. This item requires expenditures of interest funds in the amount of \$4,208.00. Sponsored by Commissioner David Lillard

**CARPENTER**  
Chairman,  
Conservation  
Committee

17. A Resolution Amending the 2008-2009 Shelby County Conservation Board Budget to reflect increases in revenues in the amount of \$238,432.00 and expenses due to changes in operations. This Resolution sponsored by Commissioner Mike Carpenter

**HARVEY**  
Chairman, Audit  
Committee

18. Resolution endorsing the issuance of a request for proposal for the services of a qualified audit firm for the purpose of reconciling the financial records of the General Sessions Court Clerk and directing the County Mayor's administration to prepare a request for proposal and make a recommendation to the audit committee. Sponsored by Commissioner Harvey

**FLINN**  
Chairman, Delinquent  
Tax Property  
Committee

19. Resolution approving the sale of five (5) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 83.1, 0203, 0206, and 0402, to identified purchasers at various prices collectively totaling \$19,250.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner George S. Flinn, Jr

**FLINN**

Chairman, Delinquent  
Tax Property  
Committee

20. [Resolution approving the sale of five \(5\) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 96.2, 0005, 0102, and 0206, to identified purchasers at various prices collectively totaling \\$49,050.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored By Commissioner George S. Flinn, Jr](#)

**FLINN**

Chairman, Delinquent  
Tax Property  
Committee

21. [Resolution approving the conveyance of one \(1\) county owned Delinquent Tax Parcel, acquired from Shelby County Trustee Tax Sale No. 0201, to Habitat For Humanity of Greater Memphis, Inc., a Tennessee not-for-profit corporation, for nominal consideration, pursuant to T.C.A. §67-5-2509\(D\)\(2\) and authorizing the Shelby County Mayor to execute a Quit Claim Deed. Sponsored by Commissioner George S. Flinn, Jr](#)

## ***REGULAR AGENDA***

### **Elections, Appointments, and Confirmations**

### **Ordinances**

**RITZ**

Chairman, Land Use  
Committee

22. [ORDINANCE - THIRD READING - A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance-Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and by the Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows: Amend Appendix A, Zoning, Section 2 to add new definitions for financial services, title loan establishment and payday loan establishment. Amend Chart 1 by adding new use categories and use standards for pay day loan and title loan establishments. ZTA No. 08-001CC. Sponsored by Commissioner Carpenter. \(AMENDED IN COMMITTEE 12/17/08\)](#)

## Zoning and Subdivisions

### Reports and/or Resolutions for Standing Committees

#### **RITZ**

Vice Chairman, Budget Committee

23. Resolution requesting the Shelby County Trustee not compute and list a separate tax rate on the tax bill for school funding. Sponsored by Commissioner Mike Ritz. (DEFERRED TO 1/12/09)

#### **BROOKS**

Chairman, Education Committee

24. Resolution to clarify the intent of the Board of County Commissioners setting the 2008 tax rate as it relates to education funding and stating its intent for next year's tax rate. Sponsored by Chairman Deidre Malone. (AMENDED IN COMMITTEE 12/17/08)

#### **MULROY**

Chairman, Core City Committee

25. Resolution authorizing the County of Shelby to participate with the City of Memphis and/or the State of Tennessee in pursuing litigation targeted at mortgage lending institutions who have participated in unlawful, irresponsible, unfair, deceptive, and discriminatory lending practices which have resulted in disproportionately high rate of foreclosures in the ethnic minority neighborhoods of Memphis and Shelby County. Sponsored by Commissioner J. W. Gibson, II. (AMENDED IN COMMITTEE 12/17/08)

#### **MULROY**

Chairman, Core City Committee

26. Resolution approving the transfer of title of one hundred forty parcels of Homestead Program Property pursuant to the Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985 authorizing the implementation of the Shelby County Homestead Program. Sponsored by Commissioner Steve Mulroy. (DEFERRED TO 1/26/09)

**BROOKS**

Chairman, Legislative  
Committee

27. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly support legislation amending Tennessee Code Annotated, Title 2, Chapter 19, Section 120 relative to the requirements for campaign communications and violations thereof. Sponsored by Commissioner Mike Ritz.

**BROOKS**

Chairman, Legislative  
Committee

28. Resolution of the Board of County Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly support legislation relative to creating a unified family court pilot program. Co-sponsored by Commissioners Mike Carpenter and Henri E. Brooks. (AMENDED IN COMMITTEE 12/17/08)

**BROOKS**

Chairman, Legislative  
Committee

29. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly support legislation repealing Tennessee Code Annotated, Title 16, Chapter 2, Section 518 relative to the requirement to increase local funding for the Office of the Public Defender when local funding for the District Attorney General's Office is increased. (DEFERRED TO 1/12/08)



### **Announcements/Statements**

- 30. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Jay Weatherington for reappointment and the County Mayor and County Commission Chairman's joint appointment of Steve Nelson to the Shelby County Needs Assessment Committee. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Maurice Butler for appointment to the Shelby County Conservation Board. Sponsored by Commissioner Joe Ford. c) Resolution approving the County Mayor's nomination of Robert P. Shannon for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Joe Ford. d) Resolution approving the County Mayor's nomination of Mary Margaret Ware and Doris F. Boyd for the joint City-County appointment and James Lenschau for the joint City-County reappointment to the Memphis and Shelby County Air Pollution Control Board. Sponsored by Commissioner Joe Ford.**

### **Adjournment**

- 31. Resolution of adjournment to Monday, January 12, 2009 at 1:30 p.m.**